

REMARKS

Claims 1 to 17 are pending in the current application. Applicants respectfully submit that through the preceding amendments and following remarks, claims 1 to 17 are patentable.

I. Rejection of Claims 1 to 15 and 17 Under 35 U.S.C. §102(b)

Claims 1 to 15 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,907,400 ("Aziz et al."). Applicants respectfully submit that claims 1 to 14, 15 and 17 are patentable for the following reasons.

Amended claim 1 relates to a method for measuring at least one test surface of a workpiece and a reference test surface of the workpiece, lying relative to it, comprising causing an interference measuring probe to emit a first measuring beam aligned with respect to the reference test surface, emitting at least one second measuring beam via the interference measuring probe that is aligned with respect to at least the at least one test surface.

Amended claim 9 relates to a device for measuring at least one test surface of a workpiece and a reference test surface of the workpiece, lying relative to it, comprising, an interference measuring probe that emits a first measuring beam aligned with respect to the reference test surface, wherein the interference measuring probe emits at least one second measuring beam aligned with respect to at least the at least one test surface. Support for the amendments to claims 1 and 9 are found, for example, in Figure 1 and page 2, lines 1 to 10 of the specification.

Aziz et al. relate to an embedded interferometer for reference-mirror calibration of interferometric microscopes. Title. As provided in the Aziz et al. reference, a single reference mirror "R" is provided with a single test surface. The single reference mirror is situated within an interference measuring probe. Aziz et al. do not disclose, or even suggest, a configuration or method using two measuring beams emitted by the interference measuring probe, one of which is directed at a test surface drawn upon as a reference, (i.e. a reference test surface) and the other at an additional test surface. Aziz et al. do not disclose or suggest any method or technical capability of measuring a plurality of surfaces of a workpiece with respect

to one another. As a result of the failure of the Aziz et al. reference to disclose or suggest such a configuration, applicants respectfully request withdrawal of the rejections to claim 1 and 9.

Claims 2 to 8 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully submit that claims 2 to 8 are patentable for at least the reasons provided above in relation to claim 1.

Claims 10 to 15 and 17 depend from claim 9 and therefore include all of the features of independent claim 9. Applicants respectfully submit that claims 10 to 15 and 17 are patentable for at least the reasons provided above in relation to claim 9.

II. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Aziz et al. in view of United States Patent No. 5,156,461 ("Moslehi et al."). Applicants respectfully submit that claim 15 is patentable for the following reasons.

Claim 15 depends from independent claim 9 and therefore includes all of the features of amended claim 9.

The defects of the Aziz et al. reference are described above and are applicable to this rejection.

The addition of the Moslehi et al. reference does not cure the critical defects of the Aziz et al. reference. Moslehi et al. relate to multi-point pyrometry with real-time surface emissivity compensation. The Office Action merely alleges that the Moslehi et al. reference provides a multi-point non-invasive, real time pyrometry-based sensor 200 for simultaneously sensing semiconductor wafer surface roughness including light beams 224, semiconductor surface 22, beam splitter 20, a shutter and a processor computer 126 that includes a time-division multiplexer for measuring surface roughness. Moslehi et al. do not disclose or suggest a device for measuring at least one test surface of a workpiece and a reference test surface of the workpiece, lying relative to it, comprising an interference measuring probe that emits a first measuring beam aligned with respect to the reference test surface, wherein the interference measuring probe emits at least one second measuring beam aligned with respect to at least the at least one test surface. Moslehi et al. merely to measure semiconductor wafer physical characteristics and do not provide

any configuration provided in claim 15. No method or device are provided to measure a plurality of surfaces of a workpiece with respect to one another.

As the attempted combination of references does not disclose or suggest such a configuration, applicants respectfully request withdrawal of the rejection to claim 15.

III. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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